United Nations CERD/C/KGZ/Q/8-10

International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination
Ninety-fifth session
23 April-11 May 2018
Item 6 of the provisional agenda
Consideration of reports, comments and information submitted by States parties under article 9 of the Convention

List of themes in relation to the combined eighth to tenth periodic reports of Kyrgyzstan

Note by the Country Rapporteur

1. The Committee on the Elimination of Racial Discrimination decided at its seventy-sixth session that the Country Rapporteur would send to the State party concerned a short list of themes with a view to guiding and focusing the dialogue between the State party's delegation and the Committee during the consideration of the State party's report (see A/65/18, para. 85). The present document contains a list of such themes. It is not an exhaustive list; other issues may also be raised in the course of the dialogue. No written replies are required.

Status of the Convention in domestic law and the institutional and policy framework for its implementation (arts. 2, 4, 6 and 7)

2. Examples of cases in which the provisions of the Convention were invoked before or applied by domestic courts. Information on the impact of the December 2016 referendum on the status of the Convention in the State party's legal order (CERD/C/KGZ/8-10, para. 113).

3. Steps taken to introduce anti-discrimination legislation and a general provision prohibiting racial discrimination. Measures to bring the State party's legislation — notably article 299 (1) and (2) of the Criminal Code — into compliance with article 4 of the Convention (CERD/C/KGZ/CO/5-7, paras. 15 and 16; CERD/C/KGZ/8-10, paras. 95–97 and 115–118).

4. Detailed information on decisions handed down by criminal, civil and administrative courts and tribunals concerning racial or ethnic discrimination, including statistical data on victims' ethnic origin and remedies provided to them. Information about the reasons behind the limited invocation of anti-discrimination legal provisions (CERD/C/KGZ/CO/5-7, para. 19; CERD/C/KGZ/8-10, paras. 131–136).

5. Information on measures to raise awareness, especially among rights holders, about anti-discrimination provisions and the existing avenues for the submission of complaints. Measures taken to reverse the burden of proof in cases of discrimination in civil proceeding (CERD/C/KGZ/CO/5-7, para. 19; CERD/C/KGZ/8-10, paras. 131–136).

6. Information on measures to bring the Ombudsman (*Akyikatchy*) into compliance with the principles relating to the status of national institutions for the promotion and

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protection of human rights (the Paris Principles). Information on complaints concerning racial discrimination submitted to the Ombudsman and their results, including remedies provided to victims (CERD/C/KGZ/CO/5-7, para. 21; CERD/C/KGZ/8-10, paras. 127–128).

7. Information on measures taken to foster a conducive and safe environment for the work of human rights defenders, including those advocating for the rights of ethnic minorities. Update on the legal proceedings taken against Azimzhan Askarov and measures to afford him all fundamental judicial guarantees (CERD/C/KGZ/CO/5-7, para. 6; CERD/C/KGZ/8-10, para. 33).

8. Update on measures taken to reform the judiciary and the security and police forces. Update on the results of the commission created in 2012, pursuant to Presidential Decree No. 61, to draft proposals for judicial reforms (CERD/C/KGZ/CO/5-7, para. 6; CERD/C/KGZ/8-10, paras. 29–31 and 108–111).

Racist hate speech and hate crimes (art. 4)

9. Measures to prevent, investigate and deter incidents of hate speech and incitement to racial hatred against ethnic minorities, notably Uzbeks, including in the media and by politicians (CERD/C/KGZ/CO/5-7, para. 18; CERD/C/KGZ/8-10, para. 93).

Situation of minority groups (arts. 2–7)

10. Information on measures taken to address the root causes of the inter-ethnic violence that erupted in June 2010 in the south of Kyrgyzstan. Updated information on the impact of the Policy Framework on Strengthening National Unity and Inter-Ethnic Relations in Kyrgyzstan on improving inter-ethnic relations and on efforts to increase participation and representation of ethnic minorities in the implementation and evaluation of the Policy Framework (CERD/C/KGZ/CO/5-7, para. 5; CERD/C/KGZ/8-10, paras. 7–10 and 120–124).

11. Information on steps taken to investigate human rights violations that occurred during and in the aftermath of the June 2010 ethnic violence. Updated information on measures taken to compensate victims of miscarriages of justice in connection with the events of June 2010 (CERD/C/KGZ/CO/5-7, para. 6; CERD/C/KGZ/8-10, para. 34).

12. Updated information on steps taken to improve the socioeconomic situation of ethnic groups, including the Uzbek and Lyuli ethnic minorities. Update on the impact of the State Programme for the Security and Socioeconomic Development of Certain Border Areas of Kyrgyzstan with Special Status and the National Sustainable Development Strategy (2013–2017) on reducing socioeconomic disparities between the different ethnic groups (CERD/C/KGZ/CO/5-7, para. 5; CERD/C/KGZ/8-10, paras. 15, 73, 98–105 and 129).

13. Information on measures, including special measures, taken to increase representation of ethnic minorities in political bodies and public life. Updated information on the proportion of ethnic minorities, disaggregated by ethnic group, in the *Zhogorku Kenesh* (parliament), local councils, police and the judiciary (CERD/C/KGZ/CO/5-7, para. 9; CERD/C/KGZ/8-10, paras. 17, 66–72 and 143–146).

14. Measures to strengthen the provision of education in minority languages for children belonging to minority ethnic groups and to reintroduce high school graduation testing and university entrance exams in minority languages, notably Uzbek (CERD/C/KGZ/CO/5-7, para. 12; CERD/C/KGZ/8-10, paras. 75–77 and 178–195).

15. Information on steps taken to promote and strengthen minority language media (CERD/C/KGZ/CO/5-7, para. 13; CERD/C/KGZ/8-10, paras. 81–85).

Situation of migrants, asylum seekers and refugees (arts. 5 and 7)

16. Information on measures taken to accelerate the regularization of stateless persons and to facilitate access to individualized refugee-status determination procedures by all asylum seekers, regardless of their ethnicity or country of origin (CERD/C/KGZ/CO/5-7, para. 17; CERD/C/KGZ/8-10, paras. 158–165).

17. Information on measures taken to ensure that State-registered asylum seekers and stateless persons residing in the country enjoy the right to work and to extend adequate social assistance and basic health care to refugees and asylum seekers (CERD/C/KGZ/CO/5-7, para. 17).

18. Information on measures taken to ensure that non-national children, including children of Roma origin, stateless and migrant children, enjoy the right to education.

Human rights education and training (art. 7)

19. Efforts to assess the impact of human rights training programmes provided to police, security and military forces. Information on human rights training and education programmes implemented to foster reconciliation, inclusiveness and understanding (CERD/C/KGZ/CO/5-7, paras. 12 and 20; CERD/C/KGZ/8-10, paras. 86–92 and 106–107).